IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 15329 of 2004

Between:

Md. Jahangir, E-060668, Driver S/o. Abdul Kareem,
Mahabubnagar District.

..... PETITIONER

AND

1 The A.P.S.R.T.C. Rep by its Managing Director, Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC, Mahabubnagar Region, Mahabubnagar.
3 The Depot Manager, APSRTC, Mahabubnagar Depot, Mahabubnagar.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of Writ of "Mandamus" declaring the action of the respondents herein not providing alternative employment and retiring the petitioner from service vide Proc. No. P2/693 (14)/2000 - Mahabubnagar Dated. 1-11-2000 as illegal, and contrary to the provisions of Sec. 47 of the persons with disabilities (equal opportunities protection of rights and full participation) Act, 1995 is illegal, arbitrary and against to the principles of natural justice and violative of Art, 14, 16 and 21 of the Constitution of India and as such set aside the same with a consequential direction to reinstate the petitioner forthwith in any alternative employment in the interest of justice and pass such other order or orders as the Hon'bleCourt may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondents: MR.P.VINAYAKA SWAMY SC FOR APSRTC

The Court at the stage of admission, made the following :

ORAL ORDER

The petitioner worked as a driver in the respondent-Corporation. He was made to retire from service on medical invalidation with effect from 01-11-2000. The petitioner contends that he made a representation on 23-06-2001 and 04-04-2002 requesting the respondents to provide him an alternative employment as per the provisions of Section 47 of the Persons with Disabilities (equal opportunities protection of rights and full participation) Act, 1995 (for short 'the Act'). The grievance of the petitioner is that the respondents did not pass any orders on his request for alternative employment.

In the light of the circumstances explained by the petitioner, the respondents are directed to pass appropriate orders on the representation of the petitioner dated 23-06-2001 if orders are already not passed regarding his request for alternative employment under Section 47 of the Act within two (2) months from the date of receipt of a copy of this Order.

The writ petition is disposed of accordingly. No order as to costs.

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27TH AUGUST 2004

*TSNR

TO

1. The Managing Director,APSRTC, Musheerabad, Hyderabad
2. The Regional Manager, APSRTC, Mahabubnagar Region, Mahabubnagar.

3 The Depot Manager, APSRTC, Mahabubnagar Depot, Mahabubnagar.

4. Two C.D. Copies.